

# RECORD OF PROCEEDINGS

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## MINUTES OF A REGULAR MEETING OF THE BOARD OF DIRECTORS OF THE COTTONWOOD HIGHLANDS METROPOLITAN DISTRICT NO. 1 HELD

April 6, 2022

A Regular Meeting of the Board of Directors of the Cottonwood Highlands Metropolitan District No. 1 was held on Thursday, April 6, 2022 at 2:00 p.m. as a video conference via Zoom.

### Attendance

The meeting was held as shown above and in accordance with the applicable statutes of the State of Colorado. The following Directors, having confirmed their qualification to serve on the Board, were in attendance:

John Cheney, Debra Hessler, Jill Luchs, Ryan Foristal, Jennifer Thornbloom

Also in attendance were:

Lana Whitehead, MSI LLC; Sean Allen; White Bear  
Ankele Tanaka & Waldron; District residents

### Call to Order

The meeting was called to order at 2:00 p.m.

### Disclosure Matters

Mr. Allen advised the Board that, pursuant to Colorado law, certain disclosures might be required prior to taking official action at the meeting. Mr. Allen reported that disclosures for those directors with potential or existing conflicts of interest were filed with the Secretary of State's Office and the Boards at least 72 hours prior to the meeting, in accordance with Colorado law, and those disclosures were acknowledged by the Board. The Board indicated that there were no additional disclosures of potential or existing conflicts of interest with regard to the matters scheduled for discussion at the meeting. The Board determined that the participation of the members present was necessary to obtain a quorum or to otherwise enable the Board to act.

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Approval of Agenda Upon motion duly made by Director Cheney, second Director Luchs, and upon vote unanimously carried, the Board approved the agenda as presented.

Public Comment There was no public comment. One homeowner from Alder Village inquired what relationship the District has to Century Communities. The Board noted that Century Communities elected not to create an HOA for its development in Alder Village, and therefore the District's landscape maintenance is limited to open space maintenance once accepted by the District in its entirety. MSI's contact information was provided for future inquires. Annual property taxes and fees were discussed.

Administrative Matters A. Review and Approve December 1, 2021 Special Meeting Minutes  
Upon motion duly made by Director Hessler, second by Director Foristal and, upon vote unanimously carried, the Board approved the December 1, 2021 Special meeting Minutes.

B. MSI, LLC Independent Contractor Agreement Enclosures.

Sean Allen advised of the change to the agreement for District Management Services with MSI, LLC. It was discussed that Exhibit A (scope of services) to the agreement is currently being finalized by MSI. Upon motion duly made by Director Cheney, second by Director Hessler, upon vote unanimously carried, the Independent Contractor Agreement was approved pending the finalization of the Exhibit A.

C. Discuss Website Administration

The Website address cottonwoodhighlands.nabnetwork.com was provided to all in attendance by MSI and the website functionality was confirmed.

D. Discuss May 2022 Election Status

Mr. Allen informed attendees that the next director election cycle will be taking place in May of 2023. Notice regarding the election will be provided in early 2023 pursuant to state law.

Financial Matters

A. Payables/Financials

B. 2021 Audit

The CLA Accountant was not in attendance to discuss the above financial matters.

Intergovernmental Agreements A. Cooperation Agreement Cottonwood Metropolitan

Mr. Allen informed the Board that there is an ongoing dialogue with Cottonwood Metropolitan District regarding landscape maintenance in the area overlapped by the districts. Director Foristal and John Cheney have volunteered to be the contact point with the Cottonwood Metro District and its manager for negotiations.

B. First Amendment to Parker/District Intergovernmental Agreement District Operative Fee

Mr. Allen discussed with the Board the District's monthly operational fee that has been imposed since 2018 with the knowledge of the Town of Parker. After 5 years, Parker is mandating that the fee be codified in an intergovernmental agreement between the District and Parker. Mr. Allen will submit a letter to Parker to provide information regarding the background on fee establishment including anticipated landscape costs, budgets, and Lennar operational advance of fund contributions. Parker requested information on whether the District would be willing to limit the amount of the monthly fee and duration of the imposition. The Board noted that it would be difficult to agree to such limitations at this time because there are more landscaping areas to develop which will be conveyed to the District and add to the landscape maintenance costs.

## Manager Report

### A. 2022 Tree Replacement

MSI presented tree replacement quote provided by BrightView to remove all tree stumps/dead trees and to replace them with new trees as per the originally approved landscaping plan filed with the Town of Parker at a cost of \$73,825.00. Additional plantings were requested by owners in attendance representing Dove Village HOA. Tree availability was discussed. Upon a motion duly made by the Director Cheney, seconded by Director Foristal to approve for up to \$110,000 total amount for tree replacement in 2022 and to delegate the authority for oversight and coordination to Ryan Foristal and Management to coordinate with the HOA and with BrightView. It was also discussed that a site plan adjustment would need to be submitted to the Town of Parker when planting over and above trees approved in the original landscaping plans.

### B. Top Dress Mulch Project

MSI presented bids for top dress (Washington cedar 1"-2" thickness) for 167 and 300 yards. The following vendors' quotes were presented: BrightView, Keesen Landscaping and American Design Landscaping. This item was tabled.

### C. Fence Staining Bid Summary

MSI presented a bid summary for fence staining as follows: Flying Colors (\$97,585), Trophy Fence (\$101,925), Gardner Painting (\$67,875) and Cordillera Fence (\$85,929.75). The New stain color (SW Cedar 3034) was for all Metro District maintained fence was confirmed. Upon a motion duly made by Director Cheney, seconded by Director Hessler, upon vote unanimously carried, Cordillera proposal (to include any needed minor repairs) for a total not to exceed cost of \$85,929.75 was approved.

### D. Plant Health Care

MSI presented two bids for plant Health Care from Save a Tree (\$8215.00) and from BrightView (\$9066.00). This was for

treatments of all foliar species for insects, mites, soil injection and deep root watering. Upon a motion duly made by Director Hessler, seconded by Director Luchs, upon vote unanimously carried, BrightView Plant Health Care proposal in the amount of \$9,066 was approved.

E. Turf Mite Work Order

MSI informed all attendees that a turf mite treatment work order was issued to BrightView Landscaping in the amount of \$5194.80 (work order 2022CWH00001) as per Board approval on February 11, 2022.

F. Backflow Testing

MSI informed all attendees that a work order for backflow testing (5 total) has been issued to BrightView Landscaping in the amount of \$900.00 on March 15, 2022 (work order 2022CWH00002).

G. Addendum to Management Agreement

This item was discussed under Administrative Matters (MSI, LLC Independent Contractor Agreement).

H. Quality Site Assessment

MSI provided Quality Site Assessment report from BrightView Landscaping for the month of March.

I. February Financials

February Financials were provided to the Board by MSI via email on March 3, 2022. They were also available for review in the Board Meeting packet.

J. Comprehensive Grounds Map

MSI advised all attendees that a comprehensive grounds map combining all common elements including turf, backflow locations, snow removal areas, fencing etc. was undergoing

finalization by MSI and will be forwarded to the Board when available.

K. Spring 2022 Grounds Walk

MSI advised the Board and all attendees that April 20<sup>th</sup> at 10:00 AM is available for a Spring Grounds Walk with BrightView Landscaping. A homeowner as well as Ryan Foristal volunteered to join the spring grounds walk with management and the landscape company. The Board asked for community members interested in serving on a landscaping committee to provide feedback, provide recommendations to the board to forward their interest to MSI, LLC.

Other

A homeowner brought up vandalism (paint) at the park and requested repairs. Upon a motion duly made by Director Cheney, seconded by Director Foristal, upon vote unanimously carried, \$2500.00 was allocated for the park repairs.

Next Meeting

A. Confirmation of Quorum

The Board decided to hold the next meeting on June 1<sup>st</sup>, 2022 at 2:00 p.m.

Adjournment

Upon a motion duly made by Director Cheney, seconded by Director Hessler and, upon vote unanimously carried, the Board adjourned at 3:45 p.m.